

 NORFOLK Department of Police	Operational General Order - 720: Juveniles		
	Office of Preparation: Strategic Management Division (jah)		
	CALEA:	41.2.6, 42.2.10, 44.1.1, 44.2.1, 44.2.2, 44.2.3, 61.1.3 82.1.2	
	VLEPSC:	ADM.25.03, OPR.04.01, OPR.04.02, OPR.04.03	
LEGAL REVIEW DATE:	10-5-2015	PRESCRIBED DATE:	10/6/15
City Attorney:	<i>[Signature]</i>	City Manager/Director of Public Safety:	<i>[Signature]</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose

The purpose of this order is to provide departmental policy and procedure for handling situations involving juveniles.

Policy (VLEPSC OPR.04.01) (CALEA 41.2.6, 44.1.1, 44.2.1)

The Norfolk Department of Police is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. Although the enforcement of laws with respect to juveniles is a major objective, it is also necessary to emphasize the need for all department personnel to engage in activities and programs geared toward preventing and controlling juvenile delinquency. It is the Departments policy to use the least coercive among reasonable alternatives in dealing with juveniles. Furthermore, all reports of missing, abducted, unidentified, abandoned, unattended, runaway, or children of any other missing status will be thoroughly investigated.

Supersedes:

1. G.O. OPR-720, dated April 23, 2015
2. Any previously issued directive conflicting with this order

Order Contents:

- I. Investigative Responsibilities
- II. Contact Procedures
- III. Missing, Runaway or Other Missing Status
- IV. Status Offenses
- V. Child Abuse, Neglect or Abandonment Cases
- VI. Firearm Violations
- VII. Juvenile Intake
- VIII. Juvenile Legal Documents
- IX. Custody Procedures
- X. Questioning of Juveniles
- XI. Photographs, Fingerprints, and Records

I. Investigative Responsibilities

A. The Detective Division will be responsible for handling the following cases:

1. Sexual Assaults, including:
 - a. Indecent Exposure
 - b. Child Pornography
2. Stalking
3. Domestic/Family Violence (Overview)
4. Child Abuse/Neglect (felony cases)
5. Child Abduction/Parental Child Abduction
6. Missing children under nine years old, and children who are mentally or physically challenged or where suspicious circumstances exist.
7. Gang Intelligence
8. School-related Incidents, including:
 - a. Weapons
 - b. Vandalisms (to school facilities/vehicles)
 - c. Larcenies (in school/juvenile facilities)
 - d. Drug-related Incidents (with the assistance of Vice and Narcotics Division in felony cases)
 - e. Robberies/Bicycle Robberies (committed by juveniles on juveniles, not involving a firearm)
9. Assaults/Mob Assaults (involving a juvenile suspect and/or victim)
10. Malicious Wounding (excluding shootings, which involve juvenile suspects)
11. Gang Related Graffiti

B. The Vice and Narcotics Division will be responsible for handling felony drug-related cases which are not involved in any school-related activity.

C. Requesting Investigative Assistance

1. Investigators assigned to the appropriate division will respond in cases involving juveniles when the expertise of an investigator is required.
2. Officers may request assistance from investigators in other matters.
3. Officers initiating a request for investigative assistance will:
 - a. Provide facts and circumstances for the request.
 - b. Stand by so the responding investigator can obtain additional information or give instructions prior to arriving at the scene, if necessary.

II. Contact Procedures

When an officer encounters an individual believed to be a juvenile as part of their law enforcement duties, the officer will conduct themselves as in any preliminary investigation in utilizing officer safety procedures. Combative and other noncompliant subjects will be handled according to established use of force guidelines.

A. The officer will then query the Norfolk Department of Police Records Management System and NCIC/VCIN files to check for any outstanding legal documents that need to be served.

1. Upon receiving a positive response or “confirmation”, the officer will:
 - a. Verify with the holder of record that the legal document is in hand and has not been served.
 - b. Complete an Arrest Report with the proper disposition via the electronic records management system. If the juvenile is released to the minor’s parent, guardian, or other adult person having the care, custody, or control of such minor the arresting officer, in the notes section of the arrest report will note the identification of the responsible party to include the name, date of birth, address, and their relationship to the juvenile.
 - c. Contact the Detective Division if needed.
 - d. Follow established procedures concerning Juvenile Intake and/or Detention Center protocols in relation to processing the juvenile.

2. If no confirmation is received and no arrest is made, complete a Field Contact Report by selecting the appropriate reason and disposition for the detention via the electronic records management system. If the juvenile is released to the minor's parent, guardian, or other adult person having the care, custody, or control of such minor the arresting officer, shall, in the remarks section of the Field Contact Report, note the identification of the responsible party to include the name, date of birth, address, and their relationship to the juvenile.

III. Missing, Runaway or Other Missing Status (CALEA 41.2.6.b-f)

- A. In accordance with the Code of Virginia, Sections 15.2-1718, Receipt of missing child reports, 52-31, Missing Children Information Clearinghouse established, and 52-34, Notification required when missing child located, establish special reporting requirements for missing children. Virginia Code § 52-32 defines a "missing child" as any person who is under the age of 21, whose temporary or permanent residence is in Virginia, or is believed to be in Virginia, whose whereabouts are unknown to any parent, guardian, legal custodian or other person standing in loco parentis of the child, and who has been reported as missing to a law-enforcement agency within the Commonwealth. The following procedures will be followed upon receiving a report of a missing or a runaway child.

1. The telecommunicator is responsible for ensuring the appropriate information is collected to assist the responding officer. This includes, but is not limited to:
 - a. Collecting essential information from the caller providing descriptive information about the child, and where the child was last seen.
 - b. Any information concerning potential abductors and their means and direction of travel.
 - c. Prioritize the call based on the factors determining unusual circumstances and dispatch officers accordingly.
 - d. Notify the appropriate sector supervisor.
2. A patrol officer will be dispatched to conduct a preliminary investigation unless relieved by an investigator. These duties will include:
 - a. Completing a PD 18, Incident Report (IBR), and Virginia Missing Children Information Clearing House Report. All reports of missing or runaway juveniles will be taken from the

complainant immediately. There is no time requirement for a juvenile to be absent before a report will be taken.

- b. Transmitting a "Be On the Look Out" (BOLO) message. This will be done by relaying the missing juvenile information to the telecommunicator or by means of the mobile computer.
 - c. Coordinating a search of the immediate area in an attempt to follow up on reasonable leads.
 - d. Notifying and debriefing the sector supervisor on the situation to determine if another course of action will be needed.
3. If a missing child is under the age of nine, or is in some manner incapacitated, e.g., mentally or physically handicapped, or involved in a serious child abduction case, immediate action is required and the following additional steps will be taken.
- a. The supervisor in charge of the sector will be immediately dispatched and will:
 - (1) Contact and relay all pertinent information to the Detective Division at the conclusion of the preliminary investigation, if the location of the child is unknown after conducting a search of the immediate area. The supervisor of the Detective Division will determine which investigator will be responding.
 - (2) Continue the search and remain until all leads have been exhausted and the area has been thoroughly searched. If the juvenile is not found by the end of the relief, the oncoming supervisor will continue the search.
 - (3) Inform the patrol division commanding officer and the field commander on the status of the investigation.
 - b. The responding investigator will take over the investigation, including:
 - (1) Ensuring the completion of the IBR, and Virginia Missing Children Information Clearing House Report.
 - (2) Coordinating search efforts.

- (3) Contacting the Department's Public Information Office (PIO) immediately if the case meets the criteria for activating the America's Missing: Broadcast Emergency Response (AMBER) Alert. It will be the PIO's responsibility to contact the appropriate agencies (e.g., Virginia State Police, etc.) and the media. See Hampton Roads Regional AMBER Plan Information, Attachment A, for additional guidelines.
- B. The officer/investigator in charge of the preliminary investigation will follow the procedures in G.O. OPR-415: Incident Based Reporting (IBR). When completing the IBR, and Virginia Missing Children Information Clearing House Report, the officer will ensure that:
 1. The complainant signs the completed Virginia Missing Children Information Clearing House Report in the appropriate spaces. The officer will indicate if the complainant refuses to sign.
 2. The completed IBR will be either called in or hand delivered to the Central Records Division as soon as practical.
 3. Central Records Division is notified immediately when the reported juvenile is located.
 4. The IBR is turned in even if the child is found, or returns, prior to completing the IBR or notifying Central Records Division.
- C. The Commanding Officer of Central Records Division will be responsible for:
 1. Ensuring that the National Crime Information Center/Virginia Criminal Information Network (NCIC/VCIN) files are correctly maintained by adhering to the rules and procedures as outlined in the respective manual.
 2. Entering information into the Norfolk Department of Police Records Management System and forwarding an electronic copy of the appropriate affidavit(s) to the Detective Division.
 3. Maintaining a file system containing a correct copy of the computer generated IBR, the original affidavit, and NCIC/VCIN computer file transactions for audit purposes.
- D. After receiving a positive response or confirmation of being missing or a runaway, officers will:
 1. Verify with the holder of record that the legal document is in hand and has not been served. Missing/runaway status can be verified through the Detective Division.

2. Take the individual into custody.
 3. Complete an Arrest Report with the proper disposition, via the electronic records management system.
 4. Assess whether the child can safely remain in the home and determine whether the child is in need of services. These services may include, but are not limited to, mental health and/or physical health examinations. Ensure arrangements are made for delivery of these services, if needed, and follow the procedures outlined in Section V.
 5. Release the juvenile to the minor's parent, guardian, or other adult person having the care, custody, or control of such minor. The detaining officer, in the notes section of the arrest report, will note the identification of the responsible party to include the name, date of birth, address, and their relationship to the juvenile.
- E. "Operation Home Free" is a service offered by the interstate bus line Trailways/Greyhound in which juvenile runaways from other jurisdictions are given free transportation home. The following procedures will apply to this service:
1. All requests for the transportation of a juvenile to the bus station must originate with an officer of the Juvenile and Domestic Relations District Court, e.g., judge, intake officer, or detention home supervisor.
 2. The juvenile is neither a prisoner nor in custody; therefore, it is not required that they be transported in a marked vehicle, nor will the juvenile be handcuffed.
 3. The transporting officer will ensure that the juvenile is on the bus as it leaves the station.

IV. Status Offenses: (VLEPSC OPR.04.03.a) (CALEA 44.2.2.a/b)

When an officer comes in contact with a juvenile committing a status offense, the officer will attempt to determine if the child is in need of services. If services are needed, the officer will follow the procedures outlined in Section V.

A. Truants or Suspensions

When an officer comes in contact with a school-aged juvenile who is believed to be truant and prior to being taken into custody, the officer will verify the juvenile's status by contacting the school where the juvenile is enrolled.

1. If it is determined that the juvenile is a truant, the officer will then take the juvenile into custody and deliver such child to the appropriate location and complete an Arrest Report with the proper disposition, via

the electronic records management system. The officer will adhere to State Code 22.1-266 Law-enforcement officers and truant children and General Order OPR-210 Transporting Prisoners when in contact with suspected truants.

- a. The officer will not take the juvenile to any other location if the juvenile is in violation of any additional laws until appropriate procedures outlined in this order have been followed.
 - b. The juvenile will be released to the school designee. The detaining officer, in the notes section of the arrest report, will note the identification of the school designee, to include their name and title, and the name and address of the school where the juvenile was released.
 - c. Officers are to use the exact location where the offense occurred and not the school's address.
2. If it is determined that the juvenile is suspended or expelled from any school, and is in public without the minor's parent, guardian, or other adult person having the care, custody, or control of the minor, the officer will complete an Arrest Report with the proper disposition, via the electronic records management system. If the student is:
- a. From an elementary school, the student will be released to the parent, guardian, or other adult having the care, custody, or control of such minor. The detaining officer, in the notes section of the arrest report, will note the identification of the responsible party to include the name, date of birth, address, and their relationship to the juvenile. If none of the preceding can be located, contact The Department of Human Services, Child Protective Services (CPS) for assistance and note on the Arrest Report the course of action taken.
 - b. From a middle or high school, and is not in need of services, the student will be released. The detaining officer, in the notes section of the arrest report, will note the identification of the responsible party to include the name, date of birth, address, and their relationship to the juvenile.

B. Curfew

Officers will conduct an immediate investigation when encountering a minor who may be in violation of Norfolk City Code, Section 29-3, Curfew for minors.

1. Procedures for Handling Curfew Violators:

- a. An officer detaining a minor who is in violation of Norfolk City Code, Section 29-3, will make a reasonable attempt to locate the minor's parent, guardian, or other adult person having the care, custody, or control of such minor.
- b. Complete an Arrest Report with the proper disposition, via the electronic records management system. The releasing officer will, in the notes section of the arrest report note the identification of the responsible party to include the name, date of birth, address, and their relationship to the juvenile, as well as the method of release, e.g., picked up, taken home, or placement.
- c. The detained minor may be transported to a report/interview room within any police facility for the purpose of performing release related functions, e.g., making phone calls and completing paperwork, providing the minor is in an officer's immediate physical control.
- d. The officer will make arrangements for an adult to pick up the minor. Transportation considerations permit the officer to transport the minor within the city's limits for the purpose of releasing the minor to an adult, if the minor has cooperated and is providing pertinent information. Officers will contact their supervisor for authorization to transport minors to adjoining cities.
- e. Charging Violators
 - (1) Officers charging minors with curfew violation will file a petition for minors who are under 16 years of age and may either seek a petition or issue a summons for minors who are 16 years of age or older.
 - (2) Parents, guardians or other adult persons having the care, custody or control of minors who permit, allow or encourage minors to be in violation of the curfew law should be charged accordingly. An officer charging an adult will issue a summons, unless the adult is unavailable at the time of the minor's release. In this instance, the officer will obtain a magistrate's summons.
 - (3) All charges, minors or adults, will be returnable for Juvenile and Domestic Relations District Court.

- f. The officer will provide an explanation for the detention and the course of action he/she plans to pursue to the adult at the time of release.
- g. The detaining officer will be responsible for contacting Norfolk CPS if the minor is a resident of Norfolk, or the State Hotline of CPS for a minor who lives outside the city limits, if:
 - (1) The minor's parent, guardian, or other adult person having the care, custody, or control of such minor refuses or cannot respond to pick up the minor within a reasonable time.
 - (2) If a child's parent or guardian refuses to pick up a child, then the parent/guardian should be charged with neglect/endangerment or contributing to the delinquency of a minor as appropriate.
 - (3) The officer is unable to contact the minor's parent, guardian, or other adult person having the care, custody, or control of such minor.
- h. The officer will contact an on-call intake officer without delay, only if the minor is in need of immediate physical custody. An officer will notify his/her supervisor if the minor refuses to cooperate by providing pertinent information needed. Every effort will be made to resolve the placement of the juvenile before notifying the on-call intake officer.

2. Reporting Curfew Violations

- a. Arrest Report - Officers will complete an Arrest Report with the proper disposition, via the electronic records management system, by the end of their tour of duty.
- b. A weekly curfew report is required from commands as follows:
 - (1) All commanding officers whose personnel have handled curfew violations during the past week will submit the report no later than 1000 hours each Monday morning to the Commanding Officer of the First Patrol Division. The report will contain the number of minors picked up by their officers during the reporting period, 2300 hours on the previous Monday to 0500 hours the Monday following.
 - (2) The Commanding Officer of the First Patrol Division will be responsible for submitting a comprehensive

report to the Chief of Police no later than 1200 hours each Monday stating the total curfew violation information for the department during the reporting period.

- (3) When a holiday falls on a Monday, reports will be delivered on the next business day.
- (4) All weekly reports will follow the format outlined in Attachment B.
- (5) Weekly reports should be run via the electronic management system.

V. Child Abuse, Neglect or Abandonment Cases (VLEPSC OPR.04.03.b) (CALEA 44.2.2.b)

Officers are governed by the Code of Virginia, Sections 16.1-228, Definitions, and 16.1-278.4, Children in need of services, when handling juveniles determined to be in need of services or in abuse or neglect cases.

- A. Officers investigating/reporting suspected and/or actual child abuse and/or neglect cases will prepare an IBR as outlined in G.O. OPR-415: Incident Based Reporting (IBR). All parties involved are to be listed within the report, including the name of the CPS worker notified and information pertaining to the abusing party.
- B. For felony cases, officers will notify a Detective Division investigator.
- C. As required under the Code of Virginia, Section 63.2-1509, Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report, a CPS worker will be called immediately when there is reason to suspect that a child has been abused or neglected by the caretaker. Calls initiated by a hospital, medical facility, or other medical sources that are based upon suspected abuse observed during treatment, also require notification of a CPS worker.
 1. The officer/investigator handling the case is responsible for ensuring that CPS is notified. Requests for notification may be made via the Central Desk. See Intake/CPS Contact Sheet, Attachment D for more information.
 2. Personnel contacting CPS should be prepared to disclose all information that is the basis for his/her suspicions of neglect or abuse and to answer preliminary questions, e.g., whether the case involves sexual abuse, trauma, injuries, etc.

D. Custody or Placement.

1. When abuse or neglect of a child is suspected, the CPS worker will determine if or what type of civil document(s) will be filed and the placement of the child.
 - a. In order to facilitate this process, police personnel are requested not to transport the suspect before a CPS worker can conduct their initial investigation.
 - b. The above procedure does not apply in situations when an officer observes ongoing abuse and it is necessary to arrest the perpetrator(s) immediately in order to prevent further abuse, or when the CPS worker will be delayed
2. Officers will handle misdemeanor cases involving juveniles, but are required to contact CPS immediately. Officers may request investigative assistance in misdemeanor cases by contacting the Detective Division.

VI. Firearm Violations

Officers will notify the Detective Division whenever juveniles are charged with firearms-related offenses under the Code of Virginia sections listed. Example offenses are Sections 18.2-280, Willfully discharging firearms in public places, 18.2-282, Pointing, holding, or brandishing firearm or object similar in appearance; penalty, and 18.2-308.1, Possession of firearm, stun weapon, or other weapon on school property prohibited, address possession, discharge or brandishing of a firearm upon any public, private, or parochial elementary, middle, or high school, including the buildings or grounds, or upon public property within 1,000 feet of such school property. Juveniles in possession of firearms should be taken into immediate custody and Intake notified for placement purposes.

VII. Juvenile Intake (VLEPSC OPR.04.02.a/b/c) (CALEA 44.2.1.a/b/c, 61.1.3.b)

- A. Officers, at their discretion, may release a juvenile without any further action if the offense is minor, if allowed by law, and the officer believes a warning will be effective. However, officers will complete an Arrest Report with the proper disposition, via the electronic records management system, whenever a juvenile has been detained.
- B. Officers will comply with the Code of Virginia, Section 16.1-260, Intake; petition; investigation, when referring juvenile offenders for formal legal proceedings.
 1. In certain situations officers are authorized to issue summonses to juvenile offenders in lieu of filing a petition. Instances when summonses may be issued to a juvenile include:

- a. Code of Virginia, Section 16.1-260
 - (1) Violations of traffic laws, including offenses involving bicycles, hitchhiking, and other pedestrian offenses.
 - (2) Violations of game and fish laws.
 - (3) Violations of the ordinances regulating surfing, establishing curfew, or animal control.
 - (4) Motor vehicle accidents.
 - (5) Littering
- b. Code of Virginia, Section 18.2-266, Driving Under the Influence, and Section 29.1-738, Operating a boat or other watercraft while under the influence, or any other alcohol-related offense, provided the juvenile is released to the custody of the parent or legal guardian pending the initial court date. The summons shall be issued both to the juvenile and to the parent or legal guardian.
- c. Code of Virginia, Section 18.2-371.2, Prohibiting purchase or possession of tobacco products by minors or sale of tobacco products to minors, except as a condition of employment.
- d. Charging Juveniles
 - (1) Officers may write misdemeanor summonses to juveniles if they are 16 years of age or older. The issuing of a misdemeanor summons to a juvenile does not authorize an officer to release a juvenile who is in need of services.
 - (2) Officers will file a petition for juveniles who are under 16 years of age.
 - (3) When a violation of § 18.2-250.1 Possession of Marijuana Unlawful, is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings.

Virginia State Codes conclude that in the case of a misdemeanor violation at the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on the Notice of Right to Consideration of Diversion form,

Attachment C, approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

2. Intake Officers will determine what, if any, juvenile-related legal documents should be filed.
 - a. Officers will refer to the Intake/CPS Contact Sheet, Attachment D, for intake hours.
 - b. Personnel will not direct citizens to the Intake Office to “take out a petition.” The citizen should be directed to discuss the problem with an intake officer. The intake officer will determine whether a petition will be filed.

C. Filing Petitions (CALEA 44.2.1.c)

1. Officers seeking to file petitions will complete and submit the appropriate affidavit and other necessary paperwork to an intake officer.
2. A juvenile offender will only be brought before an intake officer in cases when immediate physical custody is necessary at which time, the officer will complete and submit the affidavit and related paperwork.
3. Officers who need to file a petition, but do not need to place the juvenile offender into immediate physical custody, may:
 - a. Appear before an intake officer without the juvenile and hand deliver the necessary paperwork; or
 - b. Use the drop box located in the Intake Office.
 - (1) The requesting officer will enclose all necessary paperwork inside an envelope addressed to the Intake Office. The defendant’s name along with the arresting officer’s name, command, and work telephone number will be written on the outside of the envelope.
 - (2) The officer may either hand deliver the request, or forward the envelope via their command to the Intake Office.
 - (3) Commands will maintain a log documenting the dates petition requests are received from employees and hand delivered to the Intake Office.

- c. Fax or mail all necessary paperwork to the Intake Office providing the petitioner is a School Resource Officer (SRO) who is following established school procedures.
- 4. Each case will be reviewed by an intake officer and the officer will be notified what course of action will be taken.
 - a. Officers filing petitions may receive a letter from an intake officer informing them that a juvenile has been referred to one of these programs in lieu of appearing in court. In cases when the youth fails to successfully complete the program, the officer will be contacted to appear before an intake officer to sign a petition so that the juvenile can be summonsed to court.
 - b. If a petition was written, the officer will appear before the intake officer and sign the petition for filing purposes.
- D. Code of Virginia, Section 16.1-263, Summonses, requires that after a petition has been filed, the court must summons all involved parties.
 - 1. To facilitate this procedure, officers will obtain the identities, addresses, and telephone numbers of all involved parties, including:
 - a. The juvenile offender.
 - b. Both of the juvenile's parents, whether or not they have custody.
 - c. The juvenile's guardian, legal custodian, or other person standing *in loco parentis*.
 - d. Other persons or witnesses who may need to appear in court to testify in the court proceedings.
 - 2. Officers will submit this information with the affidavit when requesting a petition.
 - 3. Use an Affidavit/Certification of Parental Identity or Location, DC-509, to document when any of the listed parties' identities or locations cannot be determined by an officer.

This form, available at the Intake Office, will be completed upon request and witnessed by the issuing intake officer at the time the petition is filed.

VIII. Juvenile Legal Documents

Personnel will refer to G.O. ADM-445: Legal Process, for the handling and processing of juvenile legal documents.

IX. Custody Procedures (VLEPSC OPR.04.03.d/e) (CALEA 44.2.2.c/d/e)

All juveniles taken into custody will be handled specifically as defined under the Code of Virginia, Section 16.1-247, Duties of person taking child into custody.

- A. The officer will, as soon as practical, attempt to notify the juvenile's parent(s) or guardian(s) and inform them that the youth has been taken into custody.
- B. If the juvenile is not released to a parent or guardian, the youth must be brought before an intake officer without delay, and CPS contacted as appropriate, unless the juvenile is in need of immediate medical treatment. In this case the officer will:
 - 1. Notify the parent or guardian to report to the treatment facility so treatment can be authorized.
 - a. If necessary, transportation for the parent or guardian will be provided by the department.
 - b. If the parent or guardian cannot be contacted, the treatment facility will contact the on-call Judge for approval of treatment.
 - 2. Complete the required forms as noted in G.O. OPR-140: Special Incident Reports (SI), and obtain a copy of the PD 656, Prisoner-Patient Record. The completed Prisoner-Patient Record must accompany the juvenile when being placed in a juvenile facility.
- C. Juvenile State Institution Escapees
 - 1. The Central Records Division receives administrative messages, via the NCIC/VCIN Network, when State Institutions report juvenile escapees.
 - 2. Central Records Division personnel receiving an administrative message will forward a copy of the administrative message to the Detective Division Robbery Section for Norfolk cases, the Sheriff's Office for out of city, and the Fugitive Section for out-of-state cases
 - 3. An administrative message that verifies a legal document provides sufficient probable cause to authorize an officer to arrest and deliver the suspected juvenile escapee to the Intake Office. Verification assures the holder of record that the legal document is in hand and has not been served.

4. An administrative message does not provide the authority to search. Any search of a private dwelling, vehicle, or property for the purpose of arresting the juvenile escapee may require a search warrant or consent from the party whose property is to be searched. A PD 578, Search Consent Form, will be completed when consent is given. Officers should have another officer serve as a witness when receiving consent to search. Refer to G.O. OPR-428: Search Warrants.

X. Questioning of Juveniles (VLEPSC OPR.04.03.f) (CALEA 42.2.10.c/f, 44.2.2.c, 44.2.3)

- A. When conducting a custodial interrogation, the assigned investigating officer will:
 1. Confer with the parent or legal guardian of the juvenile. If the parents or legal guardian is/are not present during the interrogation, the officer will document efforts made to contact them. The officer will record any comments of the juvenile/parent that indicate the Miranda Warnings were understood.
 2. Follow established school procedures when conducting police interviews at school facilities.
- B. The number of officers/investigators engaging in the interrogation of juveniles will be limited to two. The length of interrogations will be held to a minimum. Further, specific documentation with respect to the justification of the time expended, as well as other relevant facts or circumstances (personal breaks for restroom use or nourishment, time spent verifying/refuting alibis, etc.) will be maintained.
- C. Questioning by law enforcement personnel of juveniles detained in the Norfolk Detention Home or other predisposition and post dispositional facilities shall occur as follows:
 1. If the juvenile is in custody and has an attorney, questioning for either the charged offense or an unrelated matter will only be done with the approval of the attorney.
 2. If the juvenile does not have an attorney for the charge for which he or she is in custody, law enforcement shall first attempt to obtain parental consent and document such efforts to contact parents.
 3. If the attorney, parent, or legal guardian does not give approval, the matter should be brought before a Judge. Both sides will be given the opportunity to be present in the courtroom. The presiding judge will decide whether to authorize questioning.
 4. In cases when questioning is authorized, it will be conducted in a police department facility according to the same procedures followed

for a juvenile not in the court's custody. Questioning will not take place at the Detention Home or other predisposition facility.

5. Police officers will not be allowed to question juveniles in the court's lockup, unless the juvenile's attorney or court appointed guardian is present.

XI. Photographs, Fingerprints, and Records (VLEPSC ADM.25.03.a) (CALEA 82.1.2.a-e)

A. Virginia State Code, Section 16.1-299, Fingerprints and photographs of juveniles.

1. Virginia state law mandates law enforcement agencies to process, fingerprint and photograph, a juvenile if the juvenile is arrested for a delinquent act that would be a felony if committed by an adult. Fingerprints shall be maintained separately from adult records and a copy of the CCRE form shall be filed with juvenile court.

a. The officer is responsible for:

- (1) Completing both an electronic IBR (IFR) and an Arrest Report.
- (2) Bringing the juvenile to Central Records Division, Identification Section, for processing.
- (3) Contacting the Central Desk if an Identification Clerk is not available (after hours).
- (4) Obtaining the warrants/petitions and forwarding copies to the Central Records Division, Warrant Office, upon issuance.

b. The ID Clerk is responsible for:

- (1) Processing the juvenile, which includes taking fingerprints and photographs of the juvenile. Fingerprint card and a copy of the CCRE will be filed with appropriate court.
- (2) Destroying fingerprints and photographs if:
 - (a) A warrant or petition is not filed against a juvenile within 60 days, e.g., the officer fails to deliver copies of the warrants and/or petitions to the Central Records Division, Warrant Office.
 - (b) The juvenile is charged with a delinquent act other than a violent juvenile felony or an ancillary crime and is found not guilty, or found guilty of an offense that does not require the

completion and filing of a CCRE, all records will be disposed within 6 months from the date of the court disposition.

2. Juveniles Found Guilty

- a. Upon conviction, the Clerk of the Court will issue a Court Order mandating that the juvenile report to the Central Records Division for processing felony and misdemeanor convictions that require the completion and filing of a CCRE.
- b. Upon receiving the Court Order, the Central Records Division will be responsible for fingerprint, photographing, and updating the juvenile record.
 - (1) The Court Order will be attached to the juvenile record in RMS.
 - (2) Copies of completed CCREs will be returned to court.
- c. Court Orders will be returned to the issuing court when the individual did not show up for processing within the designated time.

B. Juvenile Records

Virginia State Code, Section 16.1-301, Confidentiality of juvenile law enforcement records; disclosures to school principal.

- 1. Departmental personnel will take special precautions to ensure juvenile records are protected from any unauthorized person. Such records shall not be open to public inspection, nor shall their content be disclosed to the public unless a juvenile is 14 years of age or older and is charged with a violent juvenile felony as specified in 16.1-269.1.B, and C.
 - a. Juvenile records, fingerprints, and photographs will be separately secured from adults; except for violations of motor vehicle laws.
 - b. Any computer screen, reports, and paperwork will be kept from public dissemination or viewing
 - c. Personnel are reminded to redact (black out) juvenile information in departmental records when releasing information for FOIA requests. Refer to G.O. ADM-455: Virginia Freedom of Information Act.
 - d. G.O. ADM-130: News Media Policy, regulates the disclosure of juvenile information during an on-going incidents.

2. The investigating officer/investigator or school resource officer may release juvenile arrest records to the school principal for the protection of the juvenile, fellow students, and school personnel. The releasing officer/investigator shall notify the school principal of the Court findings within 15 days of the final disposition, or within 90 days if the charges are withdrawn, handled informally, or the juvenile is not charged. The juvenile must be a suspect in or has been charged with:
 - a. A violent juvenile felony, SC §16.1-269.1B, and C.
 - b. A violation of SC § 18.2-77.
 - c. A violation of law involving any weapon, SC § 18.2-308.
3. Inspection of juvenile records will occur in the Central Records Division and are permitted by:
 - a. The court having the juvenile currently before it in any proceeding.
 - b. Officers of public and nongovernmental institutions or agencies having currently committed and responsible for supervision after release.
 - c. Any person, agency, or institution, by order of the court, having a legitimate interest in the case of work of the law enforcement agency.
 - d. Law enforcement officer of other jurisdictions, by order of the court, necessary for the discharge of the current official duties.
 - e. Probation and other professional staff of court which the juvenile is convicted of a criminal offense for the purpose of a presentence report, penal institutions committed to, or parole board in considering parole, discharge, or supervision.
 - f. The juvenile, parent, guardian, or other custodian and counsel by order of the court.
 - g. Law, as provided in SC §§19.2-389.1 and 19.2-390.
4. Employees may disclose juvenile record to:
 - a. Outside law enforcement agency during a current investigation.
 - b. The Virginia Worker's Compensation Commission solely for the purposes of determining whether to make an award to the victim of a crime.

C. Expungement of Juvenile Records

Virginia State Code, Section 16.1-306, Expungement of court records.

1. January 2nd of each year, or other date as designated by the court, the Clerk of the Juvenile and Domestic Relations Court, shall order the destruction of juvenile records, fingerprints and photographs, when a juvenile reaches 19 years of age and five years has elapsed since the date of the last hearing, except:
 - a. If the juvenile was found guilty of an offense in which an abstract is required to be sent to Department of Motor Vehicles (DMV), such records shall be destroyed when the juvenile reaches the age of 29.
 - b. If the juvenile was found guilty of an act that would be a felony if committed by an adult, the records shall be retained.
 - c. If the juvenile was found guilty of ancillary charges, the record shall be retained as specified for the felony or the offense reported to DMV.
2. Any individual subject to a delinquency or traffic proceeding who was found innocent or the charges are dismissed, may file a motion requesting the destruction of all records pertaining to the charge. Motions shall be given to the Commonwealth Attorney's Office (CWA) for review and shall be destroyed, unless the CWA can show good cause to the court why the record should not be destroyed.
3. Law enforcement agencies and its officers shall comply with any Court Order. Only a trained Central Records Supervisor will perform expungements for Departmental records by overseeing the destruction of the records, fingerprints, and photographs.

Definitions:

Abandonment: Knowingly leaves a child or forces a child to leave home without regard for mental or physical health, safety or welfare.

Abducted: A child whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the child.

Child, Juvenile or Minor: Any person under 18 years of age.

In Loco Parenti: A person who accepts responsibility for a child by acting as a temporary guardian, in the place of the parent or legal guardian.

Status Offense: An act or conduct prohibited by law which would not be an offense if committed by an adult.

Un-emancipated minor: A minor who has not been emancipated by entry into a valid marriage, active duty with any of the Armed Forces, willingly living separate and apart from his parents with the consent or acquiescence of the parents, or the entry of an order of emancipation.

Related Documents:

1. G.O. ADM-410: Property and Evidence
2. G.O. ADM-420: Virginia Uniform Summons
3. G.O. ADM-445: Legal Process
4. G.O. OPR-140: Special Incident Reports (SI)
5. G.O. OPR-210: Transporting Prisoners
6. G.O. OPR-415: Incident Based Reporting (IBR)
7. G.O. OPR-425: Interrogations
8. G.O. OPR-428: Search Warrants
9. G.O. OPR-430: Case Reports

Attachments:

- A. Hampton Roads Regional AMBER Plan Information
- B. Curfew Weekly Report (Example)
- C. Notice of Right to Consideration of Diversion
- D. Intake/CPS Contact Sheet

Hampton Roads Regional AMBER Plan Information

The Norfolk Police Department actively participates in the Hampton Roads Regional AMBER Plan (HRRAP). AMBER is an acronym for America's Missing Broadcast Emergency Response. The plan is a valuable tool for law enforcement agencies in the ongoing battle to protect children. In addition to law enforcement agencies the HRRAP also has the participation of the Virginia Association of Broadcasters, the Virginia Department of Transportation, the Virginia Department of Emergency Management, and the Virginia Association of Realtors.

AMBER Alerts may be local, regional, or statewide. The Norfolk Police Department has the authority to declare a local or regional AMBER Alert. However, the Virginia State Police will be contacted and provided information regarding the abducted child prior to declaring an AMBER Alert. The decision to make a statewide AMBER Alert will be at the discretion of the Virginia State Police.

The AMBER Plan is only activated by law enforcement in serious child abduction cases. It will not be used for runaways or parental abductions unless there is a threat of serious bodily injury or death to the child. Criteria for the activation of the AMBER Plan are as follows: **(CALEA 41.2.6.c/d)**

1. The abducted child must be 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age, and the law enforcement agency believes the child has been abducted (unwillingly taken from their environment without permission from the child's parent or legal guardian).
2. The law enforcement agency believes the abducted child is in imminent danger of serious bodily harm or death.
3. A law enforcement investigation has taken place and verified the abduction or eliminated alternative explanations.
4. Sufficient information is available to disseminate to the public that could assist in locating the child, suspect, and/or the suspect's vehicle.
5. The child must be entered into VCIN/NCIC missing person files as soon as practical.
6. The Virginia "Amber Alert" Form authorizing release of information must be signed.

If all of the above criteria are not met, an "AMBER Alert" will not be activated.

NORFOLK POLICE DEPARTMENT
CURFEW WEEKLY REPORT



EXAMPLE

Submitting Command: _____

Covering the period:

Beginning 2300 hours, Monday: _____

And ending 0500 hours, Monday: _____

The following actions were taken under the Juvenile Curfew Ordinance:

RACE/SEX	PICKED UP	TAKEN HOME	PLACEMENT
White Male			
White Female			
Black Male			
Black Female			
Asian Male			
Asian Female			
Other (Specify)			
Total			

**NOTICE OF RIGHT TO
CONSIDERATION OF DIVERSION**

Commonwealth of Virginia Va. Code § 16.1-260(B), (H)(3)

Case No.

..... Juvenile and Domestic Relations District Court

.....
ADDRESS OF COURT

In re:

.....
OFFENSE DATE

.....
TRIAL DATE

The juvenile named above, having been charged with a violation of Virginia Code § 18.2-250.1, is entitled to have the charge referred to the Court Services Unit of the juvenile and domestic relations district court having jurisdiction over this charge for consideration of informal proceedings pursuant to subsection B of § 16.1-260. This right must be exercised by written notification to the clerk of the juvenile and domestic relations district court not later than ten (10) days prior to the date set for trial.

I affirm that I served this Notice in person on the juvenile named above, along with the summons charging the offense noted above.

.....
DATE

.....
SERVING OFFICER

.....
LAW ENFORCEMENT AGENCY

**NOTIFICATION FOR REFERRAL
OF CHARGE TO COURT SERVICES UNIT**

Having been advised of the right to have the Court Services Unit of this court consider the above charge for informal proceedings pursuant to subsection B of § 16.1-260, the clerk of this court is so notified that the juvenile elects to have this charge referred to the Court Services Unit.

.....
DATE

.....
NAME OF JUVENILE

.....
SIGNATURE

.....
ADDRESS AND TELEPHONE NUMBER OF JUVENILE

.....
DATE

.....
NAME OF ☐ PARENT/LEGAL GUARDIAN
☐ COUNSEL
☐ GUARDIAN AD LITEM

.....
SIGNATURE

.....
ADDRESS AND TELEPHONE NUMBER OF ADULT NAMED ABOVE

Intake/CPS Contact Sheet

1. Intake Officers

A. Norfolk Intake hours for police personnel are as follows:

- Weekdays from 0800 until 1700 hours, excluding State holidays, at the Intake Office, located in the Juvenile and Domestic Relations District Court Building.
- Intake officers are on-call weekdays beginning at 1700 hours, weekends and State holidays for handling detention orders and youth in custody. The Central Desk will maintain the necessary information to contact the on-call intake officer.

B. Norfolk intake officers are available to the public as follows:

The Intake Office is open weekdays from 0800 until 1700 hours, excluding State holidays.

2. CPS Workers

A. Norfolk CPS can be contacted through the Central Desk or by calling 664-6022. CPS office hours for police personnel are as follows:

- Weekdays from 0830 until 1645 hours, excluding State holidays.
- CPS workers are available weekday evenings, excluding State holidays, from 1645 until 2400 hours.
- CPS workers are on-call weekdays between 2400 until 0830 hours, weekends, and State holidays. If a CPS worker does not respond within a reasonable length of time, personnel are to page Norfolk's CPS supervisor through the Central Desk or by calling 554-1584.

B. CPS workers are available to the public as follows:

The CPS Office is open weekdays from 0830 until 1645 hours, excluding State holidays.